


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
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CLERK
U.S. DISTRICT COURT
SAVANNAH DIV.


CHRISTINE RISTUCCIA,
individually, and dba SAY IT RIGHT
and THE ENTIRE WORLD OF R,

Plaintiff,

v.

SUPER DUPER INC.,

Defendant.

Case No. CV406-236

ORDER

Defendant has filed a motion to compel responses to defendant's first request for production of documents. Doc. 15. Plaintiff has failed to file a response to this motion, thereby indicating a lack of opposition. See Local Rule 7.5 ("Failure to respond within the applicable time period shall indicate that there is no opposition to a motion."). Defendant's motion is GRANTED.

Plaintiff is DIRECTED to respond to defendant's first request for production of documents within ten days from the date of this Order.

Defendant also seeks attorney fees and expenses associated with preparing and filing the motion. Doc. 15. Defendant has made a good faith effort to resolve the dispute without court intervention prior to filing the motion to compel, as required by Fed. R. Civ. P. 37(a)(2)(A). Doc. 15, Ex. C. (a copy of a letter sent to plaintiff seeking a resolution). On numerous occasions, plaintiff's counsel indicated that he would respond to defendant's requests; however, he has yet to produce the required documents or offer any explanation for his failure to respond to discovery requests served on January 24, 2007. See id. at Exs. B, D. The Court, therefore, GRANTS defendant's motion for fees and expenses. Defendant is directed to submit an affidavit itemizing its *reasonable* fees and expenses in filing the motion to compel. Plaintiff's counsel will have ten days to respond to defendant's submission.

SO ORDERED this 29th day of May, 2007.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA